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Attorneys for Plaintiffs,
SONY BMG MUSIC ENTERTAINMENT;
LAFACE RECORDS LLC; UMG RECORDINGS,
INC.; ZOMBA RECORDING LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
RECORDS LLC; and ELEKTRA
ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; LAFACE
RECORDS LLC, a Delaware limited liability
company; UMG RECORDINGS, INC., a
Delaware corporation; ZOMBA RECORDING
LLC, a Delaware limited liability company;
ATLANTIC RECORDING CORPORATION, a
Delaware corporation; ARISTA RECORDS
LLC, a Delaware limited liability company; and
ELEKTRA ENTERTAINMENT GROUP INC.,
a Delaware corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

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SEP 20 2007
RICHARD W. HARRIS
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

C07-04877

CASE NO.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

AD
SI

JURISDICTION AND VENUE

1
2 1. This is a civil action seeking damages and injunctive relief for copyright infringement
3 under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

4 2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal
5 question); and 28 U.S.C. § 1338(a) (copyright).

6 3. Venue in this District is proper. See 28 U.S.C. §§ 1391(b), 1400(a). Although the
7 true identity of Defendant John Doe ("Defendant") is unknown to Plaintiffs at this time, on
8 information and belief, Defendant may be found in this District and/or a substantial part of the acts
9 of infringement complained of herein occurred in this District. On information and belief, personal
10 jurisdiction in this District is proper because Defendant, without consent or permission of the
11 copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by
12 Plaintiffs. On information and belief, such illegal dissemination occurred in every jurisdiction in the
13 United States, including this one. In addition, Defendant contracted with an Internet Service
14 Provider ("ISP") found in this District to provide Defendant with the access to the Internet which
15 facilitated Defendant's infringing activities.

PARTIES

16
17 4. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general
18 partnership, with its principal place of business in the State of New York.

19 5. Plaintiff LaFace Records LLC is a limited liability company duly organized and
20 existing under the laws of the State of Delaware, with its principal place of business in the State of
21 New York.

22 6. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the
23 laws of the State of Delaware, with its principal place of business in the State of California.

24 7. Plaintiff ZOMBA RECORDING LLC is a limited liability company duly organized
25 and existing under the laws of the State of Delaware, with its principal place of business in the State
26 of New York.

9. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

10. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

11. The true name and capacity of Defendant are unknown to Plaintiffs at this time. Defendant is known to Plaintiffs only by the Internet Protocol (“IP”) address assigned to Defendant by his or her ISP on the date and time of Defendant’s infringing activity. See Exhibit A. Plaintiffs believe that information obtained in discovery will lead to the identification of Defendant’s true name.

COUNT I

INFRINGEMENT OF COPYRIGHTS

12. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

13. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain copyrighted sound recordings, including, but not limited to, all of the copyrighted sound recordings on Exhibit A to this Complaint (collectively, these copyrighted sound recordings shall be identified as the “Copyrighted Recordings”). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights to each Plaintiff as specified on each page of Exhibit A.

14. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

15. Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has continuously used, and continues to use, an online media distribution system to download and/or distribute to the public certain of the Copyrighted Recordings. Exhibit A identifies

1 the IP address with the date and time of capture and a list of copyrighted recordings that Defendant
2 has, without the permission or consent of Plaintiffs, downloaded and/or distributed to the public.
3 Through his or her continuous and ongoing acts of downloading and/or distributing to the public the
4 Copyrighted Recordings, Defendant has violated Plaintiffs' exclusive rights of reproduction and
5 distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive
6 rights under copyright. (In addition to the sound recordings listed on Exhibit A, Plaintiffs are
7 informed and believe Defendant has, without the permission or consent of Plaintiffs, continuously
8 downloaded and/or distributed to the public additional sound recordings owned by or exclusively
9 licensed to Plaintiffs or Plaintiffs' affiliate record labels, and Plaintiffs believe that such acts of
10 infringement are ongoing. Exhibit A includes the currently-known total number of audio files being
11 distributed by Defendant.)

12 16. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on
13 each respective album cover of each of the sound recordings identified in Exhibit A. These notices
14 of copyright appeared on published copies of each of the sound recordings identified in Exhibit A.
15 These published copies were widely available, and each of the published copies of the sound
16 recordings identified in Exhibit A was accessible by Defendant.

17 17. Plaintiffs are informed and believe that the foregoing acts of infringement have been
18 willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

19 18. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights
20 under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against
21 Defendant for each infringement of each copyrighted recording. Plaintiffs further are entitled to
22 their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

23 19. The conduct of Defendant is causing and, unless enjoined and restrained by this
24 Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated
25 or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502
26 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing
27 Plaintiffs' copyrights, and ordering that Defendant destroy all copies of copyrighted sound
28 recordings made in violation of Plaintiffs' exclusive rights.

1 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

2 1. For an injunction providing:

3 "Defendant shall be and hereby is enjoined from directly or indirectly
4 infringing Plaintiffs' rights under federal or state law in the
5 Copyrighted Recordings and any sound recording, whether now in
6 existence or later created, that is owned or controlled by Plaintiffs (or
7 any parent, subsidiary, or affiliate record label of Plaintiffs)
8 ("Plaintiffs' Recordings"), including without limitation by using the
9 Internet or any online media distribution system to reproduce (*i.e.*,
10 download) any of Plaintiffs' Recordings or to distribute (*i.e.*, upload)
11 any of Plaintiffs' Recordings, except pursuant to a lawful license or
12 with the express authority of Plaintiffs. Defendant also shall destroy
13 all copies of Plaintiffs' Recordings that Defendant has downloaded
14 onto any computer hard drive or server without Plaintiffs'
15 authorization and shall destroy all copies of those downloaded
16 recordings transferred onto any physical medium or device in
17 Defendant's possession, custody, or control."

18 2. For statutory damages for each infringement of each Copyrighted Recording
19 pursuant to 17 U.S.C. § 504.

20 3. For Plaintiffs' costs in this action.

21 4. For Plaintiffs' reasonable attorneys' fees incurred herein.

22 5. For such other and further relief as the Court may deem just and proper.

23 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

24 By: 

25 MATTHEW FRANKLIN JAKSA
26 Attorney for Plaintiffs
27 SONY BMG MUSIC
28 ENTERTAINMENT; LAFACE
RECORDS LLC; UMG RECORDINGS,
INC.; ZOMBA RECORDING LLC;
ATLANTIC RECORDING
CORPORATION; ARISTA RECORDS
LLC; and ELEKTRA
ENTERTAINMENT GROUP INC.

EXHIBIT A**JOHN DOE****IP Address:** 207.62.146.97 2007-06-26 02:54:36 EDT**CASE ID#** 133933425**P2P Network:** Gnutella**Total Audio Files:** 1069

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
SONY BMG MUSIC ENTERTAINMENT	Frankie J	How To Deal	The One	377-949
LaFace Records LLC	TLC	Unpretty	Fanmail	298-454
UMG Recordings, Inc.	Akon	Locked Up	Trouble	361-456
Zomba Recording LLC	R. Kelly	Slow Wind	TP.3 Reloaded	375-213
UMG Recordings, Inc.	The Police	Message In A Bottle	Regatta De Blanc	13-166
SONY BMG MUSIC ENTERTAINMENT	Michael Jackson	Thriller	Thriller	41-965
Atlantic Recording Corporation	Craig David	Walking Away	Born To Do It	303-747
Atlantic Recording Corporation	T.I.	Get Loose	Urban Legend	367-100
Arista Records LLC	Clipse	Ma, I Don't Love Her	Lord Willin'	321-673
Elektra Entertainment Group Inc.	Missy Elliott	Work It	Under Construction	345-855